

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROWENA WAGNER,)	Civil Action No. 04-264 ERIE
)	Judge Sean J. McLaughlin
Plaintiff)	
)	
v.)	ELECTRONICALLY FILED
)	
CRAWFORD CENTRAL SCHOOL)	
DISTRICT, et al.)	
Defendants)	

MOTION IN LIMINE

AND NOW, this 23rd day of May 2007, Defendants Crawford Central School District, Crawford Central School Board, Superintendent Michael Dolecki and Assistant Superintendent Charles Heller (collectively "District Defendants"),¹ by and through their attorneys, Knox McLaughlin Gornall & Sennett, P.C., file this motion in limine and accompanying brief, stating the following:

1. For the reasons set forth in detail in the District Defendants' brief filed herewith, Plaintiff, Rowena Wagner, should be barred from offering the following evidence at time of trial:
 - (a) Statistical evidence regarding the racial composition of the District's teaching staff and students;
 - (b) All evidence of hiring decisions made and other actions taken by the District after October 2004;
 - (c) All evidence of full-time elementary hiring decisions made by the District between January 2002 and April 2004;
 - (d) All evidence relating to Plaintiff's retaliation claim (refusal to hire for long-term substitute or regular teaching positions);

¹ The Court dismissed Crawford Central School Board, Superintendent Michael Dolecki and Assistant Superintendent Charles Heller as defendants on October 27, 2006.

- (e) Testimony from Plaintiff's former professors and student teaching supervisors;
- (f) All evidence relating to Plaintiff's allegation that the District's hiring procedures constitute invalid or unsubstantiated testing; and
- (g) All evidence relevant to Plaintiff's claims for lost wages or associated fringe benefits she would have earned had she been hired by the District.

2. The foregoing evidence should be excluded pursuant to

Fed.R.Evid. 403 because its probative value, if any, is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, as well as by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

WHEREFORE, the District Defendants respectfully request the Court to order that Plaintiff be barred from offering the following evidence:

- (a) Statistical evidence regarding the racial composition of the District's teaching staff and students;
- (b) All evidence of hiring decisions made and actions taken after October 2004;
- (c) All evidence of full-time elementary hiring decisions made between January 2002 and April 2004;
- (d) All evidence relating to Plaintiff's retaliation claim;
- (e) Testimony from Plaintiff's former professors and student teaching supervisors;
- (f) All evidence relating to Plaintiff's allegation that the District's hiring procedures constitute invalid or unsubstantiated testing; and
- (g) All evidence relevant to Plaintiff's claims for lost wages or associated fringe benefits she would have earned had she been hired by the District.

Respectfully submitted,

KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.

BY: /s/ Mark J. Kuhar

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